

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)**

PLUMBERS AND STEAMFITTERS  
LOCAL 486 MEDICAL FUND,  
by its Trustee,  
Bernard J. Vondersmith

Plaintiff

v.

RITA L. BOOKS

and

ROGER BOOKS

and

NATHANIEL FICK, P.C.  
CLIENT TRUST ACCOUNT

Defendants

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CIVIL ACTION NO.

MJG 03-219

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**ANSWER TO PLAINTIFF'S AMENDED COMPLAINT  
FOR DECLARATORY JUDGMENT AND REQUEST  
FOR INJUNCTIVE RELIEF**

**NOW COME** Defendants Rita Books and Roger Books, by their attorney Nathaniel Fick, and, in Answer to the Plaintiff's Amended Complaint, state:

RESPONSES TO SPECIFIC PARAGRAPHS IN THE AMENDED COMPLAINT

1. The Defendants admit the averments in Paragraph 1 of the Amended Complaint.
2. The Defendants admit the averments in Paragraph 2 of the Amended Complaint.

3. The Defendants admit that this action is being brought by a fiduciary, but defendants deny the remainder of the averments in Paragraph 3 of the Amended Complaint.
4. The Defendants admit the averments in Paragraph 4 of the Amended Complaint.
5. The Defendants admit the averments in Paragraph 5 of the Amended Complaint.
6. The Defendants admit the averments in Paragraph 6 of the Amended Complaint.
7. The Defendants admit the averments in Paragraph 7 of the Amended Complaint.
8. The Defendants admit the averments in Paragraph 8 of the Amended Complaint.
9. The Defendants deny the averments in Paragraph 9 of the Amended Complaint.
10. The Defendants admit the averments in Paragraph 10 of the Amended Complaint.
11. Paragraph 11, as an incorporation paragraph, requires no admission, no denial, and stands as a blending statement, solely.
12. The Defendants admit the averments in Paragraph 12 of the Amended Complaint.
13. The Defendants admit the averments in Paragraph 13 of the Amended Complaint.
14. The Defendants admit the averments in Paragraph 14 of the Amended Complaint to the extent that the "benefits provided" as referenced by Plaintiff are benefits by and through the Medical Fund.
15. The Defendants deny the averments in Paragraph 15 of the Amended Complaint, and suggest that the corrected amount as described by the Medical Fund and now deposited into court is instead \$57,395.60.
16. The Defendants admit the averments in Paragraph 16 of the Amended Complaint.
17. The Defendants admit the averments in Paragraph 17 of the Amended Complaint.
18. The Defendants deny the averments in Paragraph 18 of the Amended Complaint as to the creation of a "trust", and instead here advise that a portion of the resolution was the creation of a structured settlement.
19. The Defendants admit the averments in Paragraph 19 of the Amended Complaint as to receiving periodic payments as a result of a structured settlement.
20. Paragraph 20, as an incorporation paragraph, requires no admission, no denial, and stands as a blending statement, solely.

21. The Defendants admit that the Medical Fund here seeks various relief, but denies that the monies received are in any way reimbursement of funds to which the Medical Fund has any entitlement.
22. The Defendants are unable to admit or deny to the averments in Paragraph 22 of the Amended Complaint. To the extent a response is required, the allegations are denied.

AFFIRMATIVE DEFENSES

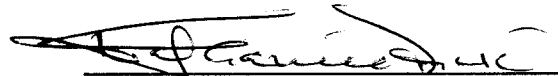
Defendants Rita Books and Roger Books, hereby assert the following affirmative defenses:

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff's claim are barred by federal common law of ERISA.
3. Plaintiff's claims are barred by the "Made Whole Doctrine."
4. Plaintiff's claim for injunctive relief is moot as the Order declared by this Court on January 30, 2003 states.
5. Plaintiff's claims are barred by the doctrine of waiver.

**WHEREFORE**, Defendants Rita Books and Rogers Books, hereby request dismissal of Plaintiff's Amended Complaint For Declaratory Judgment and Request for Injunctive Relief or, in the alternative, that judgment be entered in favor of the Defendants on the Plaintiff's Amended Complaint, and for such further relief as the Court may deem appropriate.

Date:

3/25/03



**NATHANIEL FICK**

**Bar No. 01822**

**Fick & Petty**

1426 East Joppa Road

Towson, Maryland 21286-5982

410-321-6000

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25<sup>th</sup> day of March, 2003, I mailed, postage prepaid, a copy of this Answer to Plaintiff's Amended Complaint For Declaratory Judgment and Request For Injunctive Relief, to:

COREY SMITH BOTT, Esq.  
Abato, Rubenstein and Abato, P.A.  
809 Gleneagles Court  
Suite 320  
Baltimore, Maryland 21286  
Attorney for Plaintiff

  
NATHANIEL FICK